REMARKS

Claims 1-19 are pending in this application.

Applicant has amended claims 1, 8, 15, and 17-19. The changes to the claims made herein do not introduce any new matter.

Rejection Under 35 U.S.C. § 102

Applicant respectfully requests reconsideration of the rejection of claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by *Kemp et al.* ("*Kemp*") (US 2002/0078160 A1). As will be explained in more detail below, the *Kemp* reference does not disclose each and every feature of the subject matter defined in independent claims 1, 8, 15, and 17-19, as amended herein.

Applicant respectfully traverses the Examiner's characterization of the *Kemp* reference relative to the claimed subject matter. With regard to the claimed "detection module," the Examiner asserts that Figure 10 (step S121) of *Kemp* discloses "a determination of whether the job request can be completed." Final Office Action at page 3. In step S121, *Kemp* confirms, as the performance of a printer, "whether the print shop can process [all the options of] the print request." *Kemp* at Paragraph [0084]. The "service" specified in the claimed "detection module" is not a specific service requested by a client, but rather is a service that the service device can provide. The cited portion of *Kemp* involves assessing the capabilities of a "print shop," rather than determining whether a service device can provide the service (or one of the services) that the service device is capable of providing.

Further, the process in step S121 does not include any detection regarding whether the service can be provided "within a preset time period by the service device," as specified in the presently claimed subject matter.

As such, for at least the foregoing reasons, the *Kemp* reference does not disclose a "detection module" (or the corresponding method operation or the corresponding function) as specified in the presently claimed subject matter.

With regard to the claimed "notification module," the Examiner asserts that Figure 10 and Paragraphs [0084] and [0085] of *Kemp* disclose "a failure message or message indicating a submission of the service request is notified to the client." Final Office Action at page 3. In step S120, *Kemp* allows the service provider server to receive 1) the "job ticket," and 2) the "number of pages information" from the print driver. See *Kemp* at Paragraph [0084]. The "job ticket" includes user information, a print job type, and the number of pages (see *Kemp* at Paragraph [0054], lines 6-12, Paragraph [0069], lines 6-10, and Paragraph [0082], lines 4-6). If any of the options requested in the job ticket cannot be performed (by the print shop), then the service provider server will generate a failure message. This failure message is returned by the service provider server "as a response to the printer driver (step S121)." *Kemp* at Paragraph [0084], lines 24-25. If the request from the printer driver is executable, on the other hand, an estimated cost of processing the print request is submitted as a response to the print request to the printer driver (see *Kemp* at Paragraph [0085], step S121).

In view of the foregoing, in *Kemp* the service provider server *specifically considers* whether or not the print shop can process the print request sent from the printer driver, and a printable/unprintable notice is sent *as a response to the printer driver that actually sent the print request*. As such, with regard to the claimed "notification module," *Kemp* does notify the client of the result of the detection "regardless of whether or not the service request has been received from the client."

As such, for at least the foregoing reasons, the *Kemp* reference does not disclose a "notification module" (or the corresponding method operation or the corresponding function) as specified in the presently claimed subject matter.

In summary, the configuration shown by *Kemp* differs from that specified in the presently claimed subject matter for at least the following reasons: 1) *Kemp* involves assessing whether a print shop is capable of processing a *specific print request*; and 2) in *Kemp* a notice is sent *only to the printer driver that actually sent the print request*. Thus, the *Kemp* reference does not disclose each and every feature of the presently claimed subject matter.

Accordingly, independent claims 1, 8, 15, and 17-19, as amended herein, are patentable under 35 U.S.C. § 102(e) over Kemp. Claims 2-7, each of which ultimately depends from claim 1, claims 9-14, each of which ultimately depends from claim 8, and claim 16, which depends from claim 15, are likewise patentable under 35 U.S.C. § 102(e) over *Kemp* for at least the same reasons set forth above with regard to the applicable independent claim.

Entry of Claim Amendments

Applicant respectfully requests that the amendments made herein be entered and considered. The amendments have been made to clarify the claimed subject matter relative to that shown in the *Kemp* reference. The amendments do not raise any new issues that require further consideration or search, and could not have presented earlier because the *Kemp* reference was cited for the first time in the Final Office Action. As such, the amendments made herein are in compliance with 37 C.F.R. § 1.116(b) and should be entered.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-19, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in

connection with the filing of this paper, then the Commissioner is authorized to charge such

fees to Deposit Account No. 50-0805 (Order No. <u>MIPFP088</u>).

Respectfully submitted,
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